

## **REMARKS/ARGUMENTS**

### **Status of Claims**

Claims 1, 2, 4, 6, 7, 10, 12 -16, 21, 22, 26, 27, 29, 30 and 33 have been amended. Claim 32 is unchanged. New claims 34 and 35, which depend from Claim 1, have been added. The subject matter of Claim 34 was previously in Claim 17. Claims 3, 18, 23, 24 and 28 were previously cancelled. Claims 5, 8, 9, 11, 17, 19, 20, 25 and 31 are canceled herein.

### **Interview Summaries**

Applicants and Applicants' attorneys thank the Examiners for their participation in the telephone interviews held March 15, 2010 and March 22, 2010.

#### **March 15, 2010 Telephone Interview**

The undersigned attorney as well as his associate, Steven Balsarotti participated in the telephone interview with Examiner Gregory Johnson. The participants discussed the independent claims. No prior art and no claim rejections were discussed. The focus of the discussion was to clarify language in the claims, for example, to limit prolixity and to make it clear from the language of the claims that the service provider was performing steps of the claims. Although all independent claims were discussed no final agreement was reached as to amending the claims. Applicants' attorneys said they would draft amended claims for discussion.

#### **March 22, 2010 Telephone Interview**

The undersigned attorney and Mr. Balsarotti participated in the telephone interview with Examiner Gregory Johnson and his supervisor, Mr. Jeffrey Kalinowski. No

prior art and no claim rejections were discussed. The participants discussed proposed claim language in independent claims 1 and 4, as being representative of the claims. Again, the participants discussed Applicants' proposed claim language directed at clarifying the claims while avoiding any possible grounds for rejection under 35 U.S.C. §101. No agreement on final claim language was reached. Applicants agreed to submit an amendment incorporating clarifying language in the claims.

#### **Amendments to the Claims**

Applicants respectfully submit that the claims, particularly as amended, are in condition for allowance. Applicants believe the claims particularly point out and distinctly claim their invention. Furthermore, the claims reflect patentable subject matter under 35 U.S.C. §101 and comply with the judicial mandates of *In re Bilski*, 545 F.3d 943 (Fed. Cir. 2008) (en banc). As set out below, each of the claims includes at least two integral and important steps that include the use of a computer and/or a computer program.

Where necessary, the preamble of the claim was amended to clarify that the steps of methods of the present invention are performed by a single party, that party being referred to as a "service provider". Along those lines, redundant references to the "service provider" were stricken from the body of the claims.

Independent claim 1 provides that two critical steps of the claim method, namely, recovering the overpaid benefits from a deposit account and providing the third party access to the steps of the method require the use of a computer and/or a computer program or database. Similarly, independent claim 4 calls for electronically recovering

overpaid disability benefits by a computer and providing the client access to an interactive computer program through a website. Claim 4 provides that the access to the computer program allows the third party client to engage in one or more activities selected from the group of activities consisting of monitoring one or more of the steps of the method, calculating an amount of an overpaid benefit, submitting an amount of an overpaid benefit, making a referral of a claimant, and viewing a list of the client's claimants.

Similarly, independent claim 26 provides for automatically recovering, by a computer, the predetermined amount of overpaid benefits from the disabled individual's deposit account and granting access to the third party client to an interactive computer program maintained by the service provider, the interactive computer program comprising data regarding the recovery of the predetermined amount of the overpaid benefits, wherein the access to the interactive computer program allows the third party to obtain information regarding one or more of steps of the claimed method. Independent claim 29 includes the steps of providing the third party with access to a computer database through a website wherein the third party can submit an amount of overpaid benefits to be recovered from the claimant's deposit account and recovering by a computer from the claimant's deposit account at least a part of the overpaid benefits.

Independent claim 7 provides for allowing access by a third party to an interactive computer program that allows the third party to submit an amount of overpaid benefits paid to the claimant by the third party and automatically recovering from the

deposit account, by computer, at least a part of the overpaid amount. Independent claim 12 includes the steps of the service provider enabling the third party to electronically submit to the service provider information regarding the amount of overpaid benefits to be captured; receiving electronically from the third party the information regarding the amount of overpaid benefits to be captured, and electronically capturing at least a part of the amount of overpaid benefits by computer.

Independent claims 6 and 16 provide for a data processing system for managing an overpayment recovery service performed by a service provider for recovery of an overpaid benefit from a disabled individual previously paid by a third party, comprising: a computer processor for processing data and computer readable media containing computer software configured to perform various data processing functions.

Examples of support for the elements in the claims are found a number of times in the specification including p. 2, lines 11-14; p. 5, lines 17-22; p. 6, lines 5-7, 15 -17; p. 7 lines 13 -16, Figs. 11-18 and the written description of those figures.

It is apparent from the foregoing that the claims meet the requirements for patentability. Therefore, the Applicants respectfully request consideration and allowance of the claims and passage of the case to issue.

Respectfully Submitted,

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